

REMARKS

Prior to entry of this paper, Claims 1-30 were pending. Claims 1-30 were rejected. In this paper Claims 1, 12, 29, and 30 are amended, while no claims are canceled or added. After entry of this paper, Claims 1-30 will be pending. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

Examiner Interview

On April 21, 2010, Applicants' representative David W. Foster (60,902) conducted a telephonic interview with Examiner Nguyen. During the interview, Applicants' representative and Examiner Nguyen discussed the independent claims in view of the cited references. In particular, Applicants' representative pointed out that Hallam-Baker's message control agent merely **limits the rate** at which a sender can create emails, not disabling outbound message usage as recited. Applicants' representative also pointed out that Rhode's email verification is performed at a **receiving** mail server, and as such is incapable of disabling outbound message usage. Although no formal agreement was reached, Applicants' representative sincerely thanks Examiner Nguyen for his time.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 5, 7, 9-14, 16, 18-23, 25 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan et al., U.S. Patent No. 7,380,126 (hereinafter "Logan") in view of Rhodes, U.S. Patent Application Publication No. 2003/0220978 (hereinafter "Rhodes") and further in view of Hallam-Baker, U.S. Patent Application Publication No. 2004/0205135 (hereinafter "Hallam-Baker"). Claims 6, 8, 15, 17, 24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of Rhodes, Hallam-Baker and further in view of Wilson, U.S. Patent Application Publication No. 2004/0015554 (hereinafter "Wilson"). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of Rhodes, Hallam-Baker and further in view of Burrows et al., U.S. Patent No. 7,149,801 (hereinafter "Burrows"). Applicants' representative respectfully traverses each rejection.

Amended Claim 1 recites, in part: *“disabling the client's outbound message usage until the visual challenge is resolved ... wherein disabling the client's outbound message usage further includes disabling an operable ability of the client to initially send any composed message to the messaging system for sending to any recipient”* (added text underlined). Applicants' representative agrees with the Office Action that Logan fails to disclose this element.¹ However, Rhodes also fails to teach or suggest this element. Instead, Rhodes merely discusses preventing a received email from being delivered to a user's inbox, not disabling a client's outbound message usage to initially send **any** composed message to the messaging system for sending, as recited.

Rhodes implements email verification at a **receiving** mail server.² Specifically, Rhodes discusses Sender Verification Protocol (SVP) 204, the module that performs the verification, as being included in Mail Delivery Agent (MDA) 202. MDA 202 transfers **received** messages to a message store 205, and so clearly SVP 204 operates on a **received** message. Preventing an email that has already been sent and received from being delivered is not preventing a client from sending an email in the first place. Moreover, a mail server that receives a message is clearly incapable of disabling outbound messages sent by another server. Therefore, Rhodes fails to explicitly or inherently teach or suggest disabling outbound message usage until a visual challenge is resolved, as recited.

In “Response to Arguments” section, the Office Action points to Figures 7 and 8 of Rhodes as implementing the challenge protocol on the sender side. Applicants' representative respectfully disagrees, and instead points out that with respect to Figure 7 “the sender generates and **sends** and e-mail message” which is “**delivered**” and then “compared against data in the User database”.³ Thus, Figure 7 clearly depicts the scenario discussed above where a receiving mail server implements the verification protocol, and is such is incapable of disabling outbound message usage.

¹ Office Action mailed February 23, 2010, page 4.

² See Rhodes, [0032].

³ See Rhodes, [0047].

Moreover, Figure 8 makes clear that “Generate Challenge 814” occurs on the **recipient side after** the email message has been sent and received.⁴ While it is true that Figure 8 considers a scenario where both sending and receiving mail servers include a “Generate Challenge” module, Rhodes clearly discusses using the “Generate Challenge” module when a mail server is acting as a recipient, not as a sender. Therefore, for these additional reasons, Rhodes fails to teach or suggest disabling outbound message usage until a visual challenge is resolved, as recited in amended Claim 1.

Hallam-Baker fails to cure the deficiencies of Logan and Rhodes. Instead, Hallam-Baker appears to discuss **limiting** a number of **signed** emails that can be created.⁵ A limited number of signed emails is still some number of signed emails, and so Hallam-Baker’s sender is still **able** to send signed emails before resolving a visual challenge. Therefore, even the suggested combination of Logan, Rhodes, and Hallam-Baker fails to teach or suggest “disabling the client’s outbound message usage until the visual challenge is resolved ... wherein disabling the client’s outbound message usage further includes disabling an operable ability of the client to initially send any composed message to the messaging system for sending to any recipient” as recited in amended Claim 1.

Amended independent **Claims 12, 21, and 30** include elements that are similar, albeit different, to those discussed above with regard to amended independent Claim 1. Therefore, for at least the same reasons, the combination of Logan, Rhodes, and Hallam-Baker does not teach or suggest the elements of these claims, especially when they are considered as a whole. Withdrawal of the previous rejection under 35 U.S.C. § 103(a) of these claims is therefore respectfully requested.

So far as **Claims 2-3, 5, 7, 9-11, 13-14, 16, 18-20, 22-23, 25 and 27-29** depend respectively from amended independent base Claims 1, 12, and 21, these claims are not rendered obvious by the combination of Logan, Rhodes, and Hallam-Baker for at least the same reasons as independent

⁴ See Rhodes, [0058].

⁵ See Hallam-Baker, [0046].

Claim 1. Withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) is therefore respectfully requested for at least these same reasons.

Claims 6, 8, 15, 17, 24 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Rhodes, Hallam-Baker and further in view of Wilson, U.S. Patent Publication No. 2004/0015554 (hereinafter "Wilson"). **Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Rhodes, Hallam-Baker and further in view of Burrows et al., U.S. Patent No. 7,149,801 (hereinafter "Burrows"). Applicants' representative respectfully traverses these rejections.

So far as **Claims 4, 6, 8, 15, 17, 24 and 26** depend respectively from amended independent base Claims 1, 12, and 21, these claims are not rendered obvious by the combination of Logan, Rhodes, and Hallam-Baker for at least the same reasons as amended independent Claim 1. None of the other references address the deficiencies of Logan, Rhodes, and Hallam-Baker noted above. Withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) is therefore respectfully requested for at least these same reasons.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (Claims 1-30) are now in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

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Respectfully submitted,

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